



Z-08-04-005

**City of Greensboro Planning Department  
Zoning Staff Report and Plan Amendment Evaluation**

**Zoning Commission Hearing Date: April 14, 2008**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Henry H. Isaacson for Curtis L. Nichols
<b>HEARING TYPE</b>	Zoning Commission
<b>ZONING REQUEST</b>	County AG (Agriculture) and County <b>RS-40</b> (Residential-Single Family) to City <b>CD-PDM</b> (Conditional District-Planned Development Mixed)
<b>CONDITIONS</b>	1) There shall be a maximum of 360 multi-family units. 2) There shall be a maximum of 18,000 square feet of retail space. 3) There shall be a maximum of 110,000 square feet of office space.
<b>GFLUM</b>	<b>Low Residential and Institutional to Mixed Use Residential</b>
<b>LOCATION</b>	Generally located at the east side of Horse Pen Creek Road and east and west sides of Walking Horse Lane
<b>TAX MAP ID NUMBER (S)</b>	<b>13-11-0694-0-0857-00-002/010/018/027/028</b>
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 600 feet (Chapter 30-9-1.2 of the City Ordinance requires notification of the owner of that parcel of land and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the County tax listing). 88 notices were mailed to those property owners in the mailing area.
<b>TRACT SIZE</b>	~44.83 Ac.
<b>TOPOGRAPHY</b>	Rolling
<b>VEGETATION</b>	Typical residential & institutional landscaping, in part

**SITE DATA**

<b>Existing Use</b>	Largely undeveloped with one single-family residential unit	
<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>	
N City CD-RM-8 and County RS-40	Single-Family dwellings	
E County RS-40	Single-Family dwellings/Vacant	
W County AG and County RS-40	Greensboro Country Club	
S County CU-CP and County AG	Single-Family dwellings	

## Zoning History

Case #	Date	Request Summary
	None	

## ZONING DISTRICT STANDARDS

### District Summary \*

Zoning District Designation:	Existing (CO-AG)	Existing (RS-40)	Requested (CD-PDM)
Max. Density:	N/A	1 dwelling unit per acre	N/A
Typical Uses	Primarily intended to accommodate uses of an agricultural nature including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land	primarily intended to accommodate single family detached dwellings on large lots	Primarily intended to accommodate residential, commercial, and light industrial uses developed on large tracts in accordance with a Unified Development Plan.

*\*These regulations may not reflect the actual requirements for all situations; see the City of Greensboro Zoning Code for actual regulations for site requirements for this zoning district.*

## SPECIAL INFORMATION

### Overlay District Ordinance/Historic Preservation - NA

#### Environmental/Soils

Water Supply Watershed Yes, site drains to Greensboro Watershed WS III

Floodplains Site is not in a regulated floodplain. City ordinance requires on all perennial and intermittent streams a non encroachment area on each side of the stream (30' or 5 times the width of the channel) measured from centerline of the stream. 100 yr base flood elevation must be obtained.

Streams Streams have not been identified at this time. If perennial appropriate buffer is required. Stream buffer is to be measured from top of stream bank. No built upon area is allowed in the entire buffer. If high density is proposed 100' stream buffer is required. If low density is required 30' stream buffer is required.

Other: if any development is proposed site must meet watershed requirements. Maximum built upon area (BUA) per watershed density is 70% of the site acreage for high density development. If high density development (24%-70% of BUA) is proposed all the built upon area must drain and be treated by a State approved water quality device (pond or similar). If low density development is proposed site must meet score

sheet requirements. Potential for wetlands on site. Contact the State & Corps for any wetland disturbance or stream crossing or disturbance.

### Airport Noise Cone

The subject property is located in the 60 DNL Noise Cone.

### Landscaping Requirements -

Location	Required Planting Yard Type and Rate
North	Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100' (if multi-family abuts the existing multi-family on the adjoining property) OR A Type C Yard – avg. width 20'; 2 canopy trees per 100'; 3 understory trees per 100'; 17 shrubs per 100'(if multi-family abuts the existing single family use on the adjoining property) OR A Type A Yard – avg. width 50'; 4 canopy trees per 100'; 10 understory trees per 100'; 33 shrubs per 100' OR A Type B Yard – avg. width 30'; 3 canopy trees per 100'; 5 understory trees per 100'; 25 shrubs per 100'(depending on the type of commercial use abutting the existing single family use on the adjoining property).
South	Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100' <b>AND A</b> Type C Yard – avg. width 20'; 2 canopy trees per 100'; 3 understory trees per 100'; 17 shrubs per 100'(if multi-family abuts the existing single family use on the adjoining property) OR A Type A Yard – avg. width 50'; 4 canopy trees per 100'; 10 understory trees per 100'; 33 shrubs per 100' <b>OR A</b> Type B Yard – avg. width 30'; 3 canopy trees per 100'; 5 understory trees per 100'; 25 shrubs per 100'(depending on the type of commercial use abutting the existing single family use on the adjoining property).
East	Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100'
West	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100' (along Horsepen Creek Rd. & both sides of Walking Horse Ln.) <b>AND A</b> Type C Yard – avg. width 20'; 2 canopy trees per 100'; 3 understory trees per 100'; 17 shrubs per 100'(if multi-family abuts the existing single family use on the adjoining property) OR A Type A Yard – avg. width 50'; 4 canopy trees per 100'; 10 understory trees per 100'; 33 shrubs per 100' <b>OR A</b> Type B Yard – avg. width 30'; 3 canopy trees per 100'; 5 understory trees per 100'; 25 shrubs per 100'(depending on the type of commercial use abutting the existing single family use on the adjoining property).

### Tree Preservation Requirements

Acreage	Requirements
44.83	All trees 4" or greater DBH which are located within the required planting yards or within 25' of the side and rear property line, whichever is greater

## Transportation

Street Classification	Horse Pen Creek Road – Minor Thoroughfare, Walking Horse Lane – Collector Street.
Site Access	All access must be designed and constructed to the City of Greensboro and/or NCDOT standards.
Traffic Counts:	Horse Pen Creek Road ADT = 8,400 (2006, NCDOT Count).
Trip Generation:	24 Hour = 1,953, AM Peak Hour = 151, PM Peak Hour = 183.
Sidewalks	Sidewalks are a requirement of the Development Ordinance. 6' sidewalk with a 4' grass strip is required along both sides of thoroughfares. 5' sidewalk with a 3' grass strip is required along one side (at a minimum, collectors may require sidewalk on both sides) of all other street types. There are no funded sidewalk projects in the area.
Transit in Vicinity	No.
Traffic Impact study (TIS)	Yes, required per the TIS Ordinance. Please see the end of this staff report for the Executive Summary for the TIS.
Street Connectivity	There is an identified need for a collector street on the City's Collector Street plan through this proposed development. The conceptual site plan that has been shared with the City for this development appears to meet the intent of this requirement.
Other	N/A.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **CD-PDM** zoning would allow land uses that are compatible with the existing development in the area.

### **Connections 2025 Comprehensive Plan Policies**

The Generalized Future Land Use Map designates this location as **Low Residential**. The requested **CD-PDM** zoning district is inconsistent with this GFLUM designation and an amendment has been requested.

## Connections 2025 Written Policies

*Growth at the Fringe Goal:* Provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. Development will increase density and mix land uses at a pedestrian scale with sidewalks, bikeways, and where possible, public transit.

*POLICY 4G.1:* Promote compact development.

*Housing and Neighborhoods Goal:* Meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities.

*POLICY 6A.4:* Implement measures to protect neighborhoods from potential negative impacts of development, redevelopment, and/or public projects that are inconsistent with the neighborhood's livability, architectural or historical character, and reinvestment potential.

*POLICY 6C:* Promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing.

*Economic Development Goal:* Promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro.

## Connections 2025 Map Policies

### **Existing:**

*Low Residential (3-5 d.u./acre):* This category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Although there are some existing residential areas in the City developed on lots greater than 1/3 acre, future residential developments and "conventional" subdivisions should generally maintain a gross density of no less than three dwellings per acre, except where environmental constraints (e.g., the Watershed Critical Area) prevent such densities from being achieved. Compact developments that include clustered, small lots with substantial retained open space are encouraged.

*Institutional:* This designation applies to university and college campuses, major medical/health care concentrations, and similar large-scale institutional activity centers.

The Airport Area Plan Update which was endorsed by City Council in June 2002 shows this property to be located in areas classified as both Non-Residential and Mixed Density Residential. Non-Residential is a broad category that includes both light and heavy industrial uses, offices, warehouses, service-oriented commercial activities and other types of development that are not noise sensitive. Mixed Density Residential is a broad category that includes a mixture of housing types, service-oriented commercial uses and institutional uses. The Plan recommends that developments in this land use classification consist of high density mixed uses in a compact layout that facilitates pedestrian activity and transit use. This property is both just inside and to the west of

the 60 DNL Noise Contour, however, it is developable for residential uses when the allowable 600 foot boundary shift is applied.

It appears that there is a drainageway crossing on the northeast edge of this site that is depicted on the City's "Drainageway and Open Space" map. When this site is subdivided, the Subdivision Ordinance will require the dedication of those areas to the City of Greensboro as drainageway and open space. The width of the dedication along that drainageway will depend on the size of the pipe it would take to cross said drainageway. If a crossing would require a 66-inch or greater pipe, the required dedication would include the land between the natural one-hundred-year flood contour lines as determined by the City. That area may be reduced in width by filling provided that a minimum average width of two hundred feet is maintained, a minimum width of one hundred feet is maintained at the narrowest point, no fill is placed within a designated floodway, and no slope greater than three to one is created. Article VII, Section 27-22 Stormwater management control requirements, and federal wetlands regulations will prohibit or restrict fill placement in certain locations. If the crossing would require a pipe smaller than 66-inches the minimum average width would be sixty feet.

**Proposed:**

*Mixed Use Residential*: This designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. Such use mixes are typically found in older, in-town neighborhoods that accommodate "corner stores" and other local services, as well as in newly developed traditional neighborhood developments (TNDs). This district is also applied in areas suited to a diverse mix of housing types and densities. Ensuring that buildings are of the appropriate scale and intensity is critical.

**Comprehensive Plan Amendment History**

Case #	Date	Request Summary
N/A	N/A	N/A

**Applicant Stated Reasons for Request**

**Explain in detail why the change is needed and a justification for such a change:**

Properties along Horse Pen Creek Road are in a state of transition to more intense uses. The proposed change would facilitate development that is similar to other higher density developments in the area as well as provide lacking local serving non-residential uses.

**Explain in detail the conditions that you think may warrant a Plan Amendment (i.e. unforeseen circumstances or the emergence of new information, unanticipated changes in development pattern, rezonings, transportation improvements, economic opportunities, changes in socioeconomic conditions, etc.):**

There have been a number of recent rezonings (schools, higher density townhomes and apartments and a sport facility) along Horse Pen Creek Road that have changed the complexion of this corridor. As a result, the existing Low Residential designation in this area has become somewhat outdated.

## **COMPREHENSIVE POLICY PLAN ANALYSIS**

### **Need for Proposed Change**

The applicant is proposing a change in future land use classification to facilitate the development of a project combining multifamily, office and commercial uses. The site is located in an area primarily designated for Low Residential uses with a node of Institutional uses to the south and a node of Mixed Use Residential further to the northeast around the intersection of Horse Pen Creek Road and Battleground Avenue.

Areas along Horse Pen Creek Road have seen a good deal of growth in recent years related to town home and apartments as well as new or enhanced institutional uses with several schools, recreational facilities and parks in the area. The city's adopted 60 DNL airport overlay district covers a good portion of properties to the east and south of Horse Pen Creek Road, which is reflected in the non-residential and Low Residential classifications for this area. Areas on the west side of Horse Pen Creek Road, north of Jessup Grove Road are within a designated Watershed Critical Area, also reflected by the Low Residential future land use classification.

While the historic pattern of residential development in this area has been towards single family developments on various lot sizes, there have been a number of more recent developments of higher density townhomes and apartments, particularly as you get closer to Battleground Avenue. The proposal's combination of multifamily, commercial and office uses allows for more efficient land use in this area versus the larger lot Low Residential. Additionally the inclusion of significant non-residential components with this project can be helpful in encouraging only non-residential uses for future development for properties closer to the airport, limiting potential noise related impacts in the future. As a mixed development staff strongly encourages effective auto and pedestrian connections within the development and to other nearby sites and effective building orientation to major streets.

### **Effect of the proposed Change on the Need for City Services and Facilities (e.g. roadway level of service)**

Given this proposal's size and diversity of uses enhanced transportation infrastructure, particularly good east-west connections, is important.

### **Implications, if any, the Amendment may have for Other Parts of the Plan**

The inclusion of non-residential components with this proposal should encourage other non-residential in the future closer towards the airport. The change in designation may also encourage more moderate intensity residential development in the future along Horse Pen Creek Road.

### **Unforeseen Circumstances or the Emergence of New Information (e.g. significant economic opportunity in Tier 2 or 3) – N/A**

## **PLANNING BOARD COMMENTS**

The Planning Board met on March 19, 2008 and made the following comments concerning this request:

- Areas around Horse Pen Creek Road have been transitioning to higher density residential development and this proposal makes sense based on current land use trends
- Any commercial components should be limited to match the requested Mixed Use Residential future land use designation
- City should evaluate infrastructure to keep pace with recent development in this area

## **CONFORMITY WITH OTHER PLANS**

City Plans - N/A

Other Plans - N/A

## **Staff/Agency Comments**

### **Planning**

The proposed CD-PDM zoning district would allow land uses that are compatible with the existing development in the general area. This area of the County consists mostly of developed land with varying densities of residential, institutional and commercial uses. To the immediate west is the Greensboro Country Club, to the north are some multi-family dwellings, to the south are single-family dwellings and to the east are vacant undeveloped tracts of land. The proposed conditional zoning district would allow for consideration of 360 multi-family dwelling units, 18,000 square feet of retail space and 110,000 square feet of office space.

This rezoning request if approved will help promote a diverse mix of uses, housing types, and densities in the general neighborhood without impacting the overall mix of uses found in this vicinity. It will also meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities.

Staff has made a determination that this request is consistent with the intent and purpose of the zoning code and will be compatible with the requested Mixed Use Residential Generalized Future Land Use designation. Staff is also of the opinion that the request is compatible with the existing development in the surrounding neighborhood.

### **Water Resources**

No additional comments.



### **Housing and Community Development**

This proposal may result in negative impacts on existing adjacent residential development. These impacts could be reduced by adding conditions to include appropriate buffering along affected property boundaries. In order to ensure that the CD-PD-M zoning classification is used in a manner consistent with its intent, the stated conditions should also include minimum values for the numbers of multi-family units, square feet of retail space, and square feet of office space. The location of this site within the 60 Decibel Noise Level cone of Piedmont Triad International Airport indicates that long-term quality of life for the occupants of the residential units would be greatly enhanced by inclusion of supplemental noise and vibration damping construction materials and techniques.

### **STAFF RECOMMENDATION**

#### **PLANNING**

Staff recommends **approval** of the requested **CD-PDM** (Conditional District-Planned Development Mixed) zoning district.

**TIS Executive Summary**  
**Report Prepared by John Davenport Engineering, Inc.**

**Proposed Apartment Development – Traffic Impact Analysis**  
(3000 & 3006 Horse Pen Creek Road)  
**Prepared for CIP Construction Company**  
**March 7, 2008**

**Executive Summary**

In February 2008, a traffic impact analysis was submitted for the Horse Pen Creek Road proposed residential development to be located on the east side of Horse Pen Creek Road opposite Jessup Grove Road in northern Greensboro, NC. Since that time the developer has decided to modify the planned land uses and site accesses. As originally proposed, the site would have contained 300 units of multi-family residential and have two access points on Horse Pen Creek Road; one directly across from Jessup Grove Road, and one access point via Walking Horse Lane. The modified land uses now consist of 360 units of apartments, 18,000 square feet of retail, and 110,000 square feet of general office. The revised site plan proposes two access points on Horse Pen Creek Road; one directly across from Jessup Grove Road, and one access point onto Horse Pen Creek Road slightly north of the main access (see site plan). At the request of the developer and Greensboro Department of Transportation, our firm John Davenport Engineering, Inc. has performed a traffic impact analysis for the proposed mixed use development. This traffic impact analysis summarizes the existing traffic conditions, as well as the projected traffic impacts associated with this project. The following intersections were included in the study:

- Jessup Grove Road/ Main Site Access (Access A) @ Horse Pen Creek Road
- Secondary Site Access (Access B) @ Horse Pen Creek Road
- Carlson Dairy Road @ Horse Pen Creek Road

The above mentioned intersections were analyzed for the following scenarios:

- 2008 Existing Conditions
- Future No Build Conditions (including off-site developments)
- Build-Out Conditions

The Greensboro Department of Transportation (GDOT) was contacted to obtain background information and to ascertain the elements to be covered in this Traffic Impact Analysis (TIA). Information regarding the property was provided by CIP Construction Company, the developer. The build-out analysis year for this project was assumed to be 2011. The AM and PM peaks were analyzed.

The following table represents the summary of the level of service analysis for all analysis scenarios.

LOS Summary Table				
	Scenario/Intersection	Carlson Dairy Road @ Horse Pen Creek Road	Access B @ Horse Pen Creek Road	Jessup Grove Church Road/Access A @ Horse Pen Creek Road
AM Peak	2008 Existing	D (37.5)		F (91.5) EB Approach
	2011 Future No-Build	D (47.10)		C (23.2)
	2011 Future Build	D (51.8)	B (11.9) WBR	C (27.2)
	2011 Future Build with Improvements	C (27.3)	B (11.9) WBR	C (24.0)
PM Peak	2008 Existing	C (22.4)		F (101.0) EB Approach
	2011 Future No-Build	C (27.6)		B (19.4)
	2011 Future Build	C (29.1)	C (19.5) WBR	C (20.8)
	2011 Future Build with Improvements	C (24.9)	C (19.2) WBR	C (20.5)
LOS (delay in seconds)				

The following improvements are necessary as a direct result of this development:

1. Construct a 100-foot southbound left turn lane and a 100-foot northbound right turn lane on Horse Pen Creek Road @ Jessup Grove Road/Proposed Main Entrance.
2. Construct Main Entrance with a 100-foot left turn lane and a thru/right combo lane.
3. Construct a 100-foot northbound right turn lane on Horse Pen Creek Road @ Access B. This access point should be restricted to right-in/out.
4. Also note GDOT may require the main access drive (Access A) to be constructed to Local Collector standards.

The following improvement should be considered as a joint responsibility of this developer and others (developers and/or NCDOT/GDOT):

1. Signalize the intersection of Horse Pen Creek Road @ Jessup Grove Road.

The following improvement is necessary regardless of whether this project is constructed or not:

1. Re-stripe the Carlson Dairy approach at Horse Pen Creek Road to allow for separate left and right turn lanes. Adjust signal heads accordingly.

This analysis has been conducted based on the scope given by the City of Greensboro Department of Transportation. Horse Pen Creek Road is a heavily traveled roadway, and we have taken into consideration the specific capacity issues related to this roadway. We have made recommendations to address all identified deficiencies within the study area. Although we have attempted to identify responsibilities for these improvements, it will ultimately be the judgment of GDOT/NCDOT to assign these responsibilities.

In conclusion, with the construction of these improvements there should be adequate capacity to handle the development of this project, as well as the other projects planned for this area.